

REMARKS

Claims 9-31 are pending in the present application.

Claims 9-14 and 22-24 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 5,424,881.

Claims 15-21 and 25-31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

For at least the reasons stated below, the Applicants respectfully traverse the above rejections and submit that all pending claims are allowable.

Obviousness-type Double Patent Rejections

Claims 9-14 and 22-24 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 5,424,881.

The Applicants do not agree with the rejection of pending claims 9-14 and 22-24 under the judicially created doctrine of obviousness-type double patenting, but nevertheless are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of this application that extends beyond the expiration date of commonly owned U.S. Patent No. 5,424,881, to obviate the double patenting rejection. The Applicants respectfully submit that the obvious type-double patenting rejection is overcome.

Objections to the Claims

Claims 15-21 and 25-31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Applicants respectfully traverse such rejections.

As discussed previously, the Applicants are submitting a Terminal Disclaimer, which obviates the double patent rejection of independent claim 10, from which claims 15-21 depend, and independent claim 14, from which claims 25-31 depend. Since, as discussed above, base claims 10 and 14 are allowable, the Applicants submit that each of 15-21 and 25-31 are also allowable.

Final Matters

The Office Action, and/or previous office actions, includes various statements regarding the pending claims, various references and, 35 U.S.C. §§ 102-103 and one of skill in the art that

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are now moot in view of the previous discussion(s). Accordingly, the Applicants will not address all of such statements at the present time. The Applicants neither agree nor disagree with such statements and expressly reserve the right to challenge any or all of such statements in the future should the need arise, for example if such statements should become relevant by appearing in a future rejection of any claim.

Summary

In summary, for at least the aforementioned reasons, the Applicants submit that all pending claims are in condition for allowance. Accordingly, the Applicants courteously solicit a Notice of Allowability with respect to all pending claims. If the Examiner has any questions regarding the previous amendment and/or comments, the Applicants invite the Examiner to contact the undersigned at 312-775-8000 to arrange such an interview at the Examiner's convenience.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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